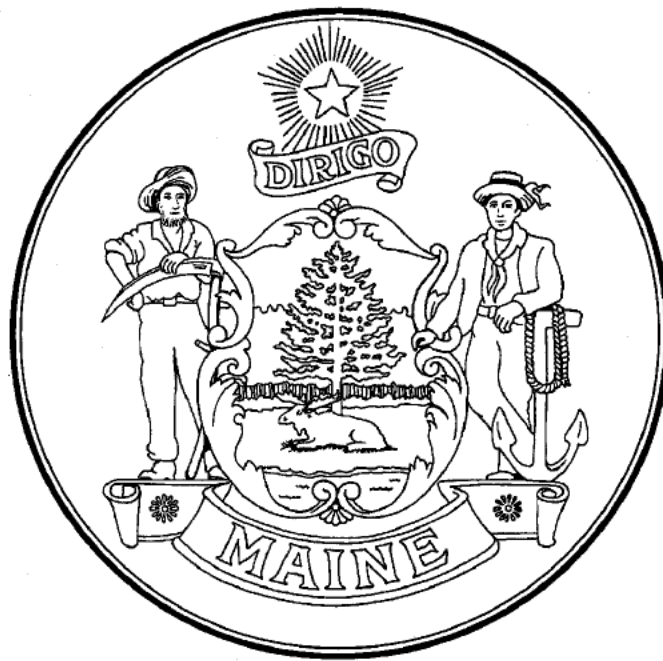
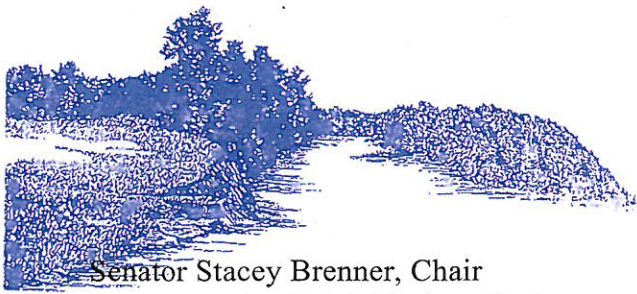


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# Saco River Corridor Commission

*"Communities Working Together To Protect Our Rivers"*

February 1, 2021

Senator Stacey Brenner, Chair  
Representative Ralph Tucker, Chair  
Committee on Environment and Natural Resources  
100 State House Station  
Augusta, Maine 04333

## Report on the Saco River Corridor Fund

Dear Senator Brenner and Representative Tucker:

The state legislature established the Saco River Corridor Commission in 1973 to oversee and administer The Saco River Corridor Act. This Act was designed through extensive public involvement to prevent inappropriate development and land uses from occurring within 500 feet of the rivers in the Corridor and up to 1,000 feet in the 100-year floodplain. The Commission includes volunteer community members from the towns that border the Saco, Ossipee, and Little Ossipee Rivers. The purpose of the Commission is to protect public health, safety, and the quality of life for the State of Maine through the regulation of land and water uses, protection and conservation of the region's unique and exceptional natural resources, and through the prevention of impacts caused by incompatible development.

The Saco River is highly regarded as a drinking water source and is the sole source of water for several communities, of which Saco and Biddeford are the largest. Performance standards are implemented by the Commission to preserve the quality and integrity of the waterways in our communities and ensure appropriate and balanced land use. The Act and the Commission's performance standards minimize negative impacts to water quality and preserve the scenic and natural character of the Corridor. Planned land use development also allows for critical wildlife habitat to be maintained, and outdoor recreational opportunities abound due to the rich and diverse wildlife along the rivers. Due to the proximity to nearby metropolitan areas, the Saco River is one of the most widely recreated rivers in the State.

Part of the revised statute included Public law 1997, chapter 330, creating the Saco River Corridor Fund. The fund is derived from a 1% fee on the sale of water and fire protection services by a water utility that draws water either from the Saco River or from a groundwater source under the influence of the river. The fund's purpose is to preserve existing water quality and prevent the deterioration of water supplies in the Saco River Corridor, as created in section 953, by partially underwriting the administration and operations of the Saco River Corridor Commission, as established by Title 5, section 12004-G, subsection 13. The Saco River Corridor Fund supports the Land-Use Regulatory Program, the Water Quality Monitoring Program, and the Educational Outreach Program, including overhead and operational costs. The total collected from the Saco River Corridor Fund for the fiscal year ending in 2020 was \$81,000.

In 2001, The Commission created the RIVERS (Regional Interstate Volunteers for the Ecosystems and Rivers of Saco) water quality monitoring program to establish a baseline of the water quality of the rivers within the Corridor and monitor for hotspots or trouble areas that may indicate declining water quality. The program includes 37 sampling sites along 130 river miles, tested bi-weekly from May to September every year. As part of the program, the Green Mountain Conservation Group monitors 28 sample site locations in the Ossipee Lake Watershed. The program is designed as one water quality monitoring program

that encompasses one watershed, two states, and 26 towns. The Commission continues to expand the program to include additional monitoring sites and testing parameters. Last year, the cost of lab samples increased significantly, increasing the overall cost of the program.

Another critical aspect of the monitoring program includes weekly E. coli testing during the summer months at popular swimming and recreational areas to protect public health. The Commission notifies the town when E. coli samples are over the acceptable state limits so the town can post an advisory warning at the beach or recreational area. A sample is collected the next day to reevaluate swimming conditions. The Maine Water Company and Corridor municipalities also use the program as a potential early warning system for their public water supply operations.

The ME DEP, NH DES, and EPA renewed the Quality Assurance Project Plan (QAPP) for the program in 2020. The renewal process occurs every five years and ensures quality control, so the data collected is scientifically sound and useful for the State. This year's sampling identified specific sites where tested parameters are approaching the lower limits set for class AA waters, thus indicating diminished water quality. Sampling identified increases in nitrogen, phosphorus, and bacteria approaching nuisance levels at certain sites. The Commission will continue to monitor these sites for improvement or decline.

Every year, the Commission analyzes the data collected for each town, including positive or negative water quality trends and recommendations to resolve any potential issues. This analysis assists towns in making informed land-use decisions that may impact water quality. The Commission employs a Program Manager and a Volunteer Coordinator to carry out all the monitoring program requirements. The Coordinator collects water samples, ensures volunteer sampling results are valid, works with volunteers in the field, transports samples to the lab, enters all sample results into the database, and works with local schools on educational outreach projects. The Program Manager ensures all requirements of the QAPP are met, writes revisions to the QAPP, manages volunteer training, completes quality control on the data, and writes annual reports on the water quality of each Corridor town.

The Commission is currently working with FB Environmental, a consulting firm specializing in environmental assessment, on a 10-year analysis of the data collected from the RIVERS program through a Maine Outdoor Heritage Fund grant. The report will include an overall analysis of the Saco River Corridor's water quality, positive and negative water quality trends, and recommendations for a more robust sampling program. FB Environmental will create a digital trend and analysis feature for each sample site for the Commission's ESRI Arc GIS mapping system. The digital analysis feature will allow the community to interact with the data and produce real-time analysis of the water quality at each sample site. The additional funds required to carry out this project came from the Saco River Corridor Fund.

The Saco River Corridor Fund also supports the administration and operation of the Land-Use Regulatory Program, including overhead costs, operational costs, and staff salaries. Commission staff includes an Executive Director, Environmental Compliance Evaluator, and Administrative Assistant to help carry out the Commission's programs. The Saco River Corridor Act requires property owners within the Corridor to obtain a permit from the Commission for most types of development. In 2020, the Commission reviewed 120 applications for development in the Corridor, an increase of 30% from the applications reviewed in 2019. Along with the recent increase in development, the Commission has increased compliance checks, tree removal site visits, and Orders requiring remediation of violations of the Act.

The Land-Use Regulatory Program provides additional protections to Shoreland Zoning requirements to further protect the unique and exceptional natural resources of the Corridor. The Commission, and property owners, must notify municipalities and abutters of the applications the Commission receives in advance of the review meeting. This creates a high degree of collaboration between

local code enforcement officers, other town officials, and interested citizens. One of the Commission's main goals is to connect and work with our member municipalities to create the best collective outcome for the region's natural resources.

The Commission is currently in the process of revising several performance standards to ensure all standards are cohesive with other regulations in the jurisdictional area and continue to provide balanced land use within the Corridor. The Commission convened the Regulatory Review Committee four times last year to begin the revision process and anticipates completing the state rulemaking process in the next year. The Commission considers all rulemaking changes at great length. All Corridor municipalities receive proposed changes in advance of the public hearings. Feedback and participation are highly encouraged as the legislature established the Commission to serve the needs of our communities.

The Saco River Corridor Fund also supports the day-to-day operations of the Commission. Our budget is comparatively small and made functional by the addition of funds from the Saco River Corridor Fund. Our General Fund allocation of \$46,960 is applied to salaries, overhead, and other expenditures such as insurance, worker's compensation, and employment taxes. These two funding sources, along with permit application fees and funding from municipalities, include all the Commission's funding sources.

The increase in monies to this fund is due to a rate increase that came about in two ways. The Maine Water Company contacted us in 2014, indicating that two issues had occurred that would affect the funds received through the Saco River Corridor Fund. Contracts with other municipalities in addition to Biddeford and Saco were secured, which meant more water had been sold, and the Commission would receive additional funding. Also, Maine Water Company had approached the (PUC) for a rate increase. This amounted to an additional \$10,000 annually to the Commission, with the final amount dependent on the total volume of water sold. This additional money is used exactly as mentioned before. Next year's allotment through this fund could change due to several factors. However, this increase has allowed us to expand our programs and oversight of the Corridor, as well as enact critical upgrades to both equipment and services (like the ARC GIS mapping system), used/rendered by the Commission and its partners.

As development rates continue to soar in Southern Maine, especially in rural and "suburban" communities, it is more important than ever to continue to monitor the water quality of the rivers and tributaries and continue to ensure appropriate and balanced land use within the Corridor. The funds from the Saco River Corridor Fund will continue to allow the Commission to ensure the greatest protection of these lands and waterways, and protection of the quality of life in the State of Maine. If there are any questions on the information contained within this report, please feel free to contact me.

Sincerely,



Dalyn P. Houser

Executive Director